

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALLSTATE INSURANCE COMPANY	:	CIVIL ACTION
	:	
	:	
<i>Plaintiff</i>	:	JURY TRIAL DEMANDED
	:	
v.	:	
	:	
LG ELECTRONICS, U.S.A., INC.	:	
	:	
<i>Defendant</i>	:	NO.

NOTICE OF REMOVAL

Defendant, LG Electronics, U.S.A., Inc., by and through its attorneys, Sweeney & Sheehan, P.C., hereby removes this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania, pursuant to 28 U.S.C. §§1332, 1441 and 1446. The basis for the removal of this action is that there is diversity of citizenship and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.00.

In support of its removal, Defendant states:

1. A Civil Action seeking to recover monetary damages was commenced on November 6, 2020 by Plaintiff and is pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, wherein Allstate Insurance Company is the Plaintiff and LG Electronics, U.S.A., Inc. ("LGEUS") is the Defendant, and which action is numbered Court of Common Pleas of Philadelphia County, November Term 2020, Civil Action No. 000478. A copy of Plaintiff's Complaint is attached hereto, made a part hereof, and marked as Exhibit "A".

2. Upon information and belief, Plaintiffs effectuated service of the Complaint on LGEUS on or about November 13, 2020.

3. This Notice of Removal is being filed within thirty (30) days after service of the Complaint on LGEUS. Therefore, removal is timely under 28 U.S.C. §1446(b).

4. A civil action brought in a state court over which the District Courts of the United States have original jurisdiction may be removed by the Defendant to the District Court of the United States for the district and division embracing the place where such action is pending. 28 U.S.C. §1441(a).

5. This litigation is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441, in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

6. Plaintiff, Allstate Insurance Company, was at the time of filing of its Complaint, and is presently, an Illinois corporation with its principal place of business at 2775 Sanders Road in Northbrook, Illinois. *See* Exhibit “A”, ¶1. As such, Plaintiff is a citizen of the State of Illinois.

7. Defendant, LGEUS, was, at the time of the filing of the Complaint, and is presently, a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in Englewood Cliffs, New Jersey, 07632. As such, LGEUS is a citizen of both New Jersey and Delaware.

8. Complete diversity of citizenship between the parties exists. *See* 28 U.S.C. §1332(a)(1).

9. The Defendant is not a citizen of Pennsylvania.

10. Plaintiff alleges a defective dehumidifier supplied by Defendant caused a fire in the home of its insureds located at 1999 Park Hill Road, North Huntingdon, Westmoreland County, Pennsylvania 15642. *See* Exhibit “A,” ¶¶ 2, and 9-13.

11. Plaintiff’s Complaint sets forth a claim for damages paid to its insured as a result of the fire in the amount of \$143,977.23. *See* Exhibit “A”, at ¶ 13.

12. Based on the damages claimed in Plaintiff’s Complaint, and upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs.

13. The amount in controversy requirement of 28 U.S.C. §1332 is, therefore, satisfied on the face of Plaintiff’s Complaint.

14. By reason of the amount in controversy and the complete diversity of citizenship between the Plaintiff and Defendant, this action is within the original jurisdiction of this Court pursuant to 28 U.S.C. §1332(a).

15. This action is removable from the Court of Common Pleas of Philadelphia County, Pennsylvania to this Court pursuant to §§1332(a)(1) and 1441(a).

16. In accordance with 28 U.S.C. 1446(a), LGEUS attaches, and files with the Clerk of this Court, true and legible copies of all process, pleadings, orders and other papers which have been served on Defendant filed with the Court of Common Pleas of Philadelphia County, Pennsylvania.

17. Written notice of the filing of the Notice of Removal has been given to plaintiff’s counsel in accordance with 28 U.S.C. §1446(d) promptly with the filing of the instant pleading in Federal Court.

18. A copy of the Notice of Removal is being filed simultaneously with the Court of Common Pleas of Philadelphia County in accordance with 28 U.S.C. §1446(d).

19. Defendant is entitled to remove this action pursuant to 28 U.S.C. §1441, *et seq.*

20. If any questions arise as to the propriety of the removal of this action, LGEUS requests the opportunity to brief any disputed issues and to present oral argument in support of its position that this case be properly removed.

WHEREFORE, Defendant, LG Electronics, U.S.A., Inc., requests that the aforesaid Philadelphia County Court of Common Pleas action captioned as aforesaid, be removed from that Court to the Federal District Court in and for the Eastern District of Pennsylvania for trial and determination of all issues for the reasons stated above.

SWEENEY & SHEEHAN, P.C.

By: Warren E. Voter

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DATE: December 8, 2020